



ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2022-0509; FRL-7661-01-OCSP]

Notice of Approval Status; Certifying Authorities' Amended Plans for Certification of Commercial and Private Applicators of Restricted Use Pesticides; Batch One

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is announcing its approval of thirteen amended certification plans for certifying applicators of Restricted Use Pesticides (RUPs) from the following certifying authorities: Alaska Department of Environmental Conservation (ADEC); California Department of Pesticide Regulation (DPR); Nebraska Department of Agriculture (NDA); New York Department of Environmental Conservation (NYSDEC); Oregon Department of Agriculture (ODA); Puerto Rico Department of Agriculture (PRDA); U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Plant, Protection and Quarantine (USDA APHIS PPQ); U.S. Department of Agriculture, Forest Service (USDA FS); U.S. Department of Defense (DoD); U.S. Department of Energy (DoE); U.S. Department of the Interior, Bureau of Land Management (DOI BLM); Vermont Agency of Agriculture, Food and Markets (VAAF); and Virgin Islands Department of Planning and Natural Resources (VIDPNR). The amended plans are consistent with the existing regulatory requirements, including revisions made in 2017 to enhance and improve the competency of certified applicators of RUPs and persons working under their direct supervision. The 2017 regulatory revisions are intended to further reduce potential exposure of RUPs to certified applicators and those working under their direct supervision, other workers, the public, and the environment. Federal, state, territory, and tribal certifying authorities with existing certification plans are required to revise their existing plans to conform with the updated federal standards for RUP applicator certification.

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* The designated EPA point of contact for the Certification Plan of interest as listed in Table 1 of Unit I.B.

For general information contact: Carolyn Schroeder, Pesticide Re-Evaluation Division (7508M), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 566-2376; email address: schroeder.carolyn@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are a federal, state, territory, or tribal agency who administers a certification program for pesticides applicators. You may also be potentially affected by this action if you are: A registrant of RUP products; a person who applies RUPs, including those under the direct supervision of a certified applicator; a person who relies upon the availability of RUPs; someone who hires a certified applicator to apply an RUP; a pesticide safety educator; or other person who provides pesticide safety training for pesticide applicator certification or recertification. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Agricultural Establishments (Crop Production) (NAICS code 111).
- Nursery and Tree Production (NAICS code 111421).
- Agricultural Pest Control and Pesticide Handling on Farms (NAICS code 115112).
- Crop Advisors (NAICS codes 115112, 541690, 541712).
- Agricultural (Animal) Pest Control (Livestock Spraying) (NAICS code 115210).
- Forestry Pest Control (NAICS code 115310).

- Wood Preservation Pest Control (NAICS code 321114).
- Pesticide Registrants (NAICS code 325320).
- Pesticide Dealers (NAICS codes 424690, 424910, 444220).
- Industrial, Institutional, Structural & Health Related Pest Control (NAICS code 561710).

- Ornamental & Turf, Rights-of-Way Pest Control (NAICS code 561730).
- Environmental Protection Program Administrators (NAICS code 924110).
- Governmental Pest Control Programs (NAICS code 926140).

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under FOR FURTHER INFORMATION CONTACT.

B. How can I get copies of these documents and other related information?

For assistance in locating documents related to the approved plans identified in this notice, please consult the designated EPA point of contact for the Certification Plan of interest as listed in Table 1 of this unit, or the general contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Table 1 - Designated EPA Point of Contacts for the Certification Plans

EPA Region	Certification Plan	EPA Point of Contact	POC Phone	Email
Region 1	VAAFM	Robert Koethe	(617) 918-1535	<i>koethe.robert@epa.gov</i>
Region 2	NYSDEC	Tara Glynn	(732) 906-6183	<i>glynn.tara@epa.gov</i>
	PRDA			
	VIDPNR			
Region 7	NDA	Shawn Hackett	(913) 551-7774	<i>hackett.shawn@epa.gov</i>
Region 9	DPR	Katy Wilcoxon	(415) 947-4205	<i>wilcoxon.katy@epa.gov</i>
Region 10	ADEC	Bethany Plewe	(208) 378-5753	<i>plewe.bethany@epa.gov</i>
	ODA			
Office of Pesticide Programs	USDA	Jeanne Kasai	(202) 566-2388	<i>kasai.jeanne@epa.gov</i>
	APHIS PPQ			
	USDA FS			
	DoD			
	DoE			
	DOI BLM			

II. What is the Agency's authority for taking this action?

Section 11 of the Federal Insecticide, Fungicide, Rodenticide Act (FIFRA), 7. U.S.C. 136

et seq., requires certifying authorities to have an EPA-approved certification plan to certify applicators of RUPs. The Certification of Pesticide Applicators (CPA) regulation at 40 CFR part 171 was amended in 2017 (Ref. 1). As a result, federal, state, territory, and tribal certifying authorities with existing certification plans were required to revise their existing certification plans to conform with the updated federal standards for the certification of applicators of RUPs and submit their revisions to EPA by March 2020 for EPA review and approval. The CPA regulation specifies that the existing certification plans remain in place until the revised plans are approved by EPA on or before the regulatory deadline established in 40 CFR 171.5. The Agency has since issued a final rule extending the original deadline for certification plans to comply with the updated federal standards under the 2017 CPA rule. State, territory, tribal, and federal authorities can now continue existing applicator certification programs to November 4, 2023 (Ref. 2).

III. What action is the Agency taking?

This action gives notice that the following thirteen certifying authorities' certification plans submitted to the Agency meet or exceed the standards of 40 CFR part 171: ADEC, DPR, NDA, NYSDEC, ODA, PRDA, USDA APHIS PPQ, USDA FS, DoD, DoE, DOI BLM, VAAFM and VIDPNR. EPA hereby gives notice that the thirteen amended certification plans for certifying applicators of RUPs listed in this document are now approved plans; the certifying authorities may certify pesticide applicators and continue with implementation of the certification plans as outlined in the approved plans.

These thirteen plans represent the first in a series of batched notifications announcing the approval of the federal, state, territory, and tribal certification plans moving through the approval process. These batched notifications will continue to occur on a regular basis as plans are approved. EPA also provides frequent status updates on its website at

<https://www.epa.gov/pesticide-worker-safety/certification-standards-pesticide-applicators>.

III. References

The following is a list of documents that are related to the issuance of this Notice. For assistance in locating these other documents, please consult the person listed under FOR FURTHER INFORMATION CONTACT.

1. EPA. Pesticides; Certification of Pesticide Applicators; Final Rule. *Federal Register*. 82 FR 952, January 4, 2017 (FRL-9956-70).

2. EPA. EPA. Pesticides; Certification of Pesticide Applicators; Further Extension to Expiration Date of Certification Plans; Final Rule. *Federal Register*. 87 FR 50953, August 19, 2022 (FRL-9134.1-04-OCSP).

Authority: 7 U.S.C. 136-136y.

Dated: November 15, 2022.

Mary Elissa Reaves,

Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2022-25539 Filed: 11/22/2022 8:45 am; Publication Date: 11/23/2022]